



The Regular Meeting of the
Brian Head Town Council
Town Hall Council Chambers
56 N. Hwy 143, Brian Head, UT 84719
Tuesday, January 12, 2010 @ 1:00 p.m.

AGENDA

1:00 p.m.

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. OATH OF OFFICE – MAYOR/COUNCIL/APPOINTED OFFICIALS**
- D. DISCLOSURES**
- E. APPROVAL OF THE MINUTES: December 08, 2009**
- F. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items**
- G. AGENDA TOPICS:**
 - 1. ANNUAL TOWN AUDIT PRESENTATION** – Wayne Everett, Hafen, Buckner & Everett – The Town Auditor will present the annual audit for the town budget ending June 30, 2009 to the Council.
 - 2. PAROWAN RECYCLING INTERLOCAL AGREEMENT** –Tom Stratton, Public Works Director – The Council will consider an interlocal agreement for recycling services between Parowan City and Brian Head Town.
 - 3. BEARFLAT AVENUE SNOWMOBILE TRAIL ACCESS** – Tom Stratton, Public Works Director – The Council will review a snowmobile access trail that runs along Bearflat Ave. to Steam Engine Meadows Subdivision.
 - 4. PROPOSED FIRE SUPPRESSION SPRINKLER ORDINANCE** – Gary Bulloch, Public Safety Director - The Council will consider a proposed ordinance that would require all new residential homes over 3,000 square feet to install fire suppression sprinklers.
 - 5. PROPOSED ORDINANCE ADOPTING THE BRIAN HEAD TOWN PERSONNEL POLICY & PROCEDURE MANUAL** – Bryce Haderlie, Town Manager – the Council will consider an ordinance adopting a new Personnel Manual for Brian Head Town employees.
 - 6. PROPOSED RESOLUTION ADOPTING THE BRIAN HEAD TOWN DRESS CODE POLICY** – Bryce Haderlie, Town Manager – The Council will consider a proposed Resolution that would adopt a dress code policy in conjunction with the adoption of the Personnel Policy & Procedure Manual.
 - 7. PROPOSED ORDINANCE AMENDING THE PUBLIC SAFETY PERSONNEL POLICY & PROCEDURE MANUAL** – Gary Bulloch, Public Safety Director – the Council will consider a proposed amendment to the Public Safety Personnel Policy & Procedure manual ordinance identifying updates since July 01, 2009.
- H. EXECUTIVE SESSION** – A strategy session of the Town Council do discuss the sale, lease or exchange of real property.
- I. ADJOURNMENT**

Dated the 8th Day of January, 2010

Available to Board Members as per Resolution No. 347 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the Council may participate by means of a telephonic or telecommunications conference.

Approved February 09, 2010

In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda in three public and conspicuous places within the Town Limits of Brian Head; to wit, Town Hall, Post Office and The Mall on this 8th Day of January, 2010 and have posted such copy on the Utah Meeting Notice Website and have caused a copy of this notice to be delivered to the Daily Spectrum, a newspaper of general circulation.

Nancy Leigh, Town Clerk

Approved February 09, 2010

**The Regular Meeting of the
Brian Head Town Council
Town Hall Council Chambers
56 N. Hwy 143, Brian Head, UT 84719
Tuesday, January 12, 2010 @ 1:00 p.m.**

Members Present: H.C. Deutschlander, Stewart Fausett, Hans Schwob, Jim Ortler, Linda Ames.

Staff Present: Bryce Haderlie, Nancy Leigh, Cecilia Johnson, Tom Stratton, Gary Bulloch, Wendy Dowland

A. CALL TO ORDER

Mayor Deutschlander called the regular meeting of the Brian Head Town Council to order at 1:00 p.m.

B. PLEDGE OF ALLEGIANCE

Mayor Deutschlander led the Council and others in the Pledge of Allegiance.

C. OATH OF OFFICE – MAYOR/COUNCIL/APPOINTED OFFICIALS

Bryce Haderlie, Town Manager, explained that newly elected officials and the town's appointed officials will need to take an oath of office. Lynn Anderson, Notary Public, then swore in the following elected/appointed officials:

H.C. Deutschlander, Mayor; Linda Ames, newly elected Council Member; Hans Schwob, Council Member; Bryce Haderlie, Town Manager (appointed); Nancy Leigh, Town Clerk/Recorder (appointed); Cecilia Johnson, Town Treasurer(appointed); Tom Stratton, Public Works Director (Department Head); Gary Bulloch, Public Safety Director (Department Head).

D. DISCLOSURES

There were no conflicts of interest with today's agenda items. Mayor Deutschlander stated that the disclosure statements are on file at the Recorder's office and are available for public inspection during normal business hours.

E. APPROVAL OF THE MINUTES: December 08, 2009

Motion: Council Member Ortler moved to approve the December 08, 2009 Town Council minutes with corrections. Council Member Schwob seconded the motion.

Action: **Motion carried 4-0-1 (summary: Yes = 4, No = 0, Abstain = 1 Vote: Yes:** Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler. **Abstain:** Council Member Ames).

F. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items

Nancy Leigh, Town Clerk/Recorder, reported that she has been selected to participate in the Dixie National Forest Motorized Travel Plan Implementation taskforce.

Mayor Deutschlander

1. The Forest Service has reported that the Brian Head OHV trail which was originally taken out of the Dixie Forest Motorized Travel Plan due to issues is now on schedule for the decision and implementation of the trail.
2. The Utah League of Cities and Towns will be hosting a Local Officials day. If Council Members are interested, please contact Nancy or Alice at the town offices for registration information.
3. Received a phone call from a Tax Commission Deputy regarding the Business License Retail Fee (Shuttle fee) and how it is to be taxed when collected since it is identified as a fee and not a tax. Staff will be working to identify if adopting a transportation tax would be more feasible. The maximum allowed on the transportation tax is 0.25%.
4. Thanked Council Member Schwob and Ames for attending the Utah League of Cities and Town Newly Elected Official conference that was held in Cedar City on January 09, 2010. David Church, Attorney for the League was very informative.

Bryce Haderlie, Town Manager

1. Welcomed Eric Johnson, Town Attorney, to the Council meeting. Bryce reported that Mr. Johnson has been attending several town meetings today.
2. Responded to Mayor Deutschlander report on the transportation tax. The transportation tax is created by an election of the people. Staff is currently working with the Cedar Automated Transit (CAT's) system in Cedar City to determine if CAT's could be utilized in the shuttle system.
3. There will be a Master Trail Plan Open House on Friday, January 15, 2010 at the Town Hall. Members are seeking input from the public on the trail systems in Brian Head. The open house will be from 1:00 – 2:30p.m. There will be representatives from RTCA and other state and federal agencies to answer questions.
4. Have been working with the Boy Scouts to secure a bike trail easement on the Loop Trail. Representatives from Brian Head Resort also attended the meeting and are working to build a stronger relationship with the boys scouts in order to expand the recreational opportunities in the area. The Scouts reported that they work with vendors in purchasing equipment in order to receive a discount during slow times of that particular business and may look at this option with the Brian Head Vendors.
5. Nancy Leigh, Town Clerk, has been working to complete the town's new website. The new website will be user friendly and will contain more information to the public than the existing website. The website address will remain the same www.brianheadtown.utah.gov.
6. Acknowledged Mayor Deutschlander who has been appointed by the Governor for the Federal Scenic Byway Committee as a representative for Highway 143.
7. On Saturday, January 23, 2010 from 1:00 until 4:00 p.m. at the Town Hall, an open house will be held for Mayor Deutschlander in celebration of his 80th birthday.

Tom Stratton, Public Works Director, distributed the department's update to the Council (see attached).

Gary Bulloch, Public Safety Director

1. Distributed the department's update to the Council (see attached).
2. Dan Benson and Jared Burton received their EMT certification. The test results for Dan Benson was 185/185 and 184/185 for Jared Burton were outstanding. Chief Bulloch congratulated both officers for their accomplishments.
3. Rob Dalley was presented a certificate for his Fire Fighter I certification. Mayor Deutschlander presented the certificate.

Cecilia Johnson, Town Treasurer

1. Distributed the monthly budget report for November, 2009. Cecilia reminded the Council the budget report is for November in order to give staff time to report revenue and expenditures in the budget.
2. Council Member Ortler inquired as to whether staff has been tracking any excess water usage over the minimum 5,000 gallons since the town has moved to a base rate plus a fee for any water used over 5,000 gallons. Cecilia responded that Wendy Dowland, Public Works Assistant, would have access to that information. Discussion was held regarding whether the new rate would create more revenue than anticipated. Council directed staff to track the information, and Council will hold discussion during the annual budget retreat.
3. Several budget items were discussed and answered by staff: Solid Waste GL# for \$9,400.00 (Cedar Breaks National Monument purchase of recycling dumpsters); Water Department for equipment GL# 4751.261 is identified as over by \$200.00 (a water tender rented when the redwood taken went dry). Staff will print a sheet of expenditure in this budget line for Council's review; Water Department GL#4751.310 Professional/Tech Services identify revenue under an expense line. Cecilia will verify and report back to the Council.
4. Bryce Haderlie, Town Manager, reported that the town has recently received the anticipated property tax revenue for October and November.

G. AGENDA TOPICS:

- 1. ANNUAL TOWN AUDIT PRESENTATION** - The Town Auditor presented the annual audit for the town budget ending June 30, 2009 to the Council.

Wayne Everett, Town Auditor, distributed the annual audit report for the budget period ending June 30, 2009 along with two letters (see attached). Mr. Everett gave a brief explanation of the Auditor's duties in researching the town's financial books. Mr. Everett reported the following items to the Council on the outcome of the audit:

1. There were no difficulties during the audit.

Approved February 09, 2010

2. There is a change in the net asset with an increased amount of \$650,000.00, which gives the town a strong financial position.
3. The financial statements are presented in accordance with General Accounting Principles.
4. Internal controls are identified at the end of the report in which the following items were noted:
 - a. There was an excess of expenditures in the budget. This is a significant deficiency in which expenditures should be in control.
 - b. There were three cases in which supervisors did not sign employee's time cards.
 - c. Accounts payable should record the date of services received and not necessarily the invoice date. Example of such is an invoice dated July 1st and apparent that the services were rendered in June.
 - d. The Financial Statement was submitted late to the State Auditor. The deadline is December 3rd and this audit is currently dated within the required time frame.

The Council reviewed the audit and held discussion on the following items:

1. Solid Waste Fund was identified as an Enterprise Fund and taken out of the General Fund in which liabilities associated with Solid Waste transferred to the Solid Waste Fund.
2. Impact Fee reporting to the State: Mr. Everett responded that the town is required to follow the new impact fee reporting and that report is not identified in the audit. The auditor's tested the building permits to ensure the fee was correct and recorded, in which the town was in compliance.
3. Expenditure in the amount of \$60,000.00 over the budgeted item for Highway and Public Improvements was discussed. Staff will review and verify the over expenditure and report back to the Council.
4. Projecting the budget amendment for the end of the year and identifying enough revenue and expenditures which may come in at a later time. Some items will need to be adjusted due to a time frame.

Nancy Leigh, Town Recorder, was excused from the meeting. Minutes were taken by Cecilia Johnson, Town Treasurer.

2. PAROWAN RECYCLING INTERLOCAL AGREEMENT– the Council will consider an inter-local agreement for recycling services between Parowan City and Brian Head Town.

Tom Stratton, Public Works Director, presented an Inter-local agreement for recycling services between Brian Head and Parowan City (see attached). Tom reported that legal has reviewed the agreement and it is ready for the Council's consideration.

Discussion was held regarding the seven recycling dumpsters that Cedar Breaks National Monument purchased and that three of those dumpsters are currently being used by Parowan City, with the permission of Cedar Breaks National Monument, during the winter months. Two dumpsters were first placed, but due to the overflow and demand, a third dumpster has been placed in Parowan. Parowan currently pays the Town \$50.00 a month per/bin to for the dumping of the bins.

Motion: Council Member Ortler moved to approve the Inter-local Agreement between Brian Head Town and Parowan City for recycling services as presented and authorized the Mayor to sign the agreement. Council Member Ames seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler, Council Member Ames).

3. BEAR FLAT AVENUE SNOWMOBILE TRAIL ACCESS– The Council will review a snowmobile access trail that runs along Bear Flat Avenue to Steam Engine Meadows Subdivision.

Tom Stratton, Public Works Director, reported that staff created a new snowmobile trail along Bear Flat Ave. Tom inquired if the Council wants to continue with the access in order to allow the property owners in the vicinity access to the town snowmobile trails.

Discussion was held regarding the amount of time that could be spent on the access trail and that snow removal should be the first priority. Tom responded that the access trail is developed during the snow removal process which saves time in having to go back and create the trail. The snowmobile trail also allows the snow banks along the road to be kept at a minimum height.

Consensus of the Council was to continue with the snowmobile access trail along Bear Flat Ave. No action was taken by the Council.

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3 **4. PROPOSED FIRE SUPPRESSION SPRINKLER ORDINANCE** - The Council will consider a proposed
4 ordinance that would require all new residential homes over 3,000 square feet to install fire suppression sprinklers.
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6 Gary Bulloch, Public Safety Director, presented a proposed fire suppression sprinkler ordinance for the Council's
7 consideration (see attached). Gary reported that legal has reviewed and approved the ordinance for Council's
8 consideration.
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10 Discussion was held regarding a change in the State requirements in which is now identified that a fire suppression
11 sprinkler ordinance regulation can be set individually by municipalities and no longer is required to be approved by the
12 State Code Council, but is now required to be reviewed for the approval process through the Utah Uniform Building
13 Standards as a code amendment to the Utah Uniform Building Code Act.
14

15 Bryce Haderlie, Town Manager, reported that a public hearing has not been held to allow for public comment on the
16 proposed ordinance and inquired if the Council would consider holding a public hearing prior to the adoption of the
17 ordinance. Consensus of the Council was not to hold a public hearing on the proposed ordinance.
18

19 **Motion:** Council Member Ortler moved to adopt Ordinance No. 10-001, an Ordinance adopting a Residential
20 Fire Suppression Sprinkler requirement for all new construction of single family and duplex/town
21 home buildings over 3,000 square feet of defined living space and providing for an effective date of
22 April 01, 2010 or the earliest date allowed by the Utah Building Code Council. Council Member
23 Fausett seconded the motion.

24 **Action:** **Motion carried 5-0-0, roll call vote (summary: Yes = 5 Vote: Yes:** Mayor Deutschlander, Council
25 Member Fausett, Council Member Schwob, Council Member Ortler Council Member Ames).
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27 Gary reported that he will work with Gaylen Matheson, Building Official, on submitting the application to the Building
28 Code Council for review and approval process.
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- 31 **5. PROPOSED ORDINANCE ADOPTING THE BRIAN HEAD TOWN PERSONNEL POLICY**
32 **& PROCEDURE MANUAL**— the Council will consider an ordinance adopting a new Personnel Manual for Brian
33 Head Town employees.
34

35 Bryce Haderlie, Town Manager, presented the proposed Personnel Policy and Procedure Manual for adoption by the
36 Council (see attached).
37

38 The Council held discussion on the following items:

- 39 1. The next agenda item addresses a dress code section which should be identified in the Personnel Manual.
40 Council directed staff to insert the dress code section into the Personnel Manual instead of a separate
41 Resolution.
- 42 2. Page 15, Title 3, B, 6— Use of Town Vehicles: Council Member Ortler expressed concerns regarding
43 employees using the town vehicles for personal use. Consensus of the Council was to insert the following into
44 Section 6 "It is not the intent of the policy to stop an employee from getting a cup of coffee on their way to
45 work, but is the intent to stop the employees from using the town vehicles on business other than town
46 business". Council Member Schwob requested staff to verify if the employees pay taxes on their commuter
47 miles.
- 48 3. Page 19, Title 3, D: Political and Religious Activities: Council Member Schwob requested that the word
49 "Religious" be inserted to keep consistency.
- 50 4. Page 55, Title 7, F, 2 – Standby & Pager Pay: Insert the word "pager" in conjunction with "cell phone".
51
- 52 5. Page 59, Title 7: Break Policy: Council inquired as to why only full-time employees are allowed the benefit
53 and not the part-time employees. Bryce responded that the manual has been reviewed by legal. Tom and Bryce
54 suggested that the Council add the following to Title 7, G, 1: Periodic Breaks: "outside employment will not be
55 conducted during break periods".
- 56 6. Page 53, Title 7, F, 1, b: Workweek: Change "85.5 hour two-week period" for Public Safety employees to read:
57 "80 hour bi-weekly workweek with 5.5 hours of overtime will be paid as "straight time" for Public Safety
58 employees.
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Approved February 09, 2010

- Motion:** Council Member Ortler moved to adopt Ordinance No. 10-002, an Ordinance adopting a revised Brian Head Personnel Policy and Procedure Manual for its employees and providing for an effective date of January 12, 2010 with the above noted six (6) changes to be implemented into the final document.
- Action:** Council Member Schwob seconded the motion.
- Motion carried 5-0-0, roll call vote (summary: Yes = 5 Vote: Yes:** Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler Council Member Ames).

6. PROPOSED RESOLUTION ADOPTING THE BRIAN HEAD TOWN DRESS CODE

POLICY – The Council will consider a proposed Resolution that would adopt a dress code policy in conjunction with the adoption of the Personnel Policy & Procedure Manual.

- Motion:** Council Member Schwob moved to take no action on this agenda item since it has been incorporated into the previous agenda item; Personnel Policy and Procedure Manual Ordinance. Council Member Fausett seconded the motion.
- Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler Council Member Ames).

7. PROPOSED ORDINANCE AMENDING THE PUBLIC SAFETY PERSONNEL POLICY

&PROCEDURE MANUAL– the Council will consider a proposed ordinance amendment to the Public Safety Personnel Policy & Procedure manual identifying updates since July 01, 2009.

Gary Bulloch, Public Safety Director, presented the proposed amendments to the Public Safety Department's Personnel and Policy Procedure Manual Ordinance for the Council's consideration (see attached). Gary explained the attached amendments are from July 01, 2009 until December 31, 2009 as identified by Lexipol who is contracted with the town for updating the manual.

Discussion was held regarding whether the Council should review the amendments on an annual basis or every two years and whether the amendments could be identified by resolution instead of ordinance. Eric Johnson, Town Attorney, explained that the original manual needed to be adopted by ordinance, but could be updated with changes and identified by resolution. Mr. Johnson encouraged the Council to review the amendments to ensure that the manual is maintaining compliance since the town is bound by this policy.

- Motion:** Council Member Ortler moved to adopt Resolution No. 399, a resolution amending the Brian Head Public Safety Policy and Procedure Manual as presented and the Council will adopt upcoming amendments a minimum of every two years. Council Member Fausett seconded the motion.
- Action:** **Motion carried 5-0-0, roll call vote (summary: Yes = 5 Vote: Yes:** Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler Council Member Ames).

H. EXECUTIVE SESSION – A strategy session of the Town Council do discuss the sale, lease or exchange of real property.

Prior to entering executive session, Eric Johnson, Town Attorney, updated the Council on pending litigation items regarding Brian High Development and Gary Bender.

- Motion:** Council Member Schwob moved to enter executive session to discuss the sale, lease or exchange of real property. Council Member Ames seconded the motion.
- Action:** **Motion carried 5-0-0, roll call vote (summary: Yes = 5 Vote: Yes:** Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler Council Member Ames).

Council entered executive session at 3:08 p.m.

- Motion:** Council Member Ames moved to adjourn from executive session. Council Member Fausett seconded the motion.
- Action:** **Motion carried 5-0-0, roll call vote (summary: Yes = 5 Vote: Yes:** Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler Council Member Ames).

The regular meeting of the Brian Head Town Council was reconvened at 3:32 p.m.

Approved February 09, 2010

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2 **I. ADJOURNMENT**
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4 **Motion:** Council Member Orlder moved to adjourn the regular meeting of the Brian Head Town Council for
5 January 12, 2010. Council Member Schwob seconded the motion.

6 **Action:** **Motion carried 5-0-0, roll call vote (summary: Yes = 5 Vote: Yes:** Mayor Deutschlander, Council
7 Member Fausett, Council Member Schwob, Council Member Ortler Council Member Ames).
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9 The regular meeting of the Brian Head Town Council was adjourned at 3:33 p.m. for January 12, 2010.
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13 February 09, 2010

14 Date Approved
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20 Nancy Leigh, Town Recorder/Clerk